

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

WILLIAM CASTANARES VIRAY,

Plaintiff,

v.

AFTIM AMIN SABA, et al.,

Defendants.

Case No. [18-cv-04634-BLF](#)

**ORDER DISMISSING CASE WITH  
PREJUDICE FOR FAILURE TO  
COMPLY WITH COURT ORDER**

On August 27, 2018, this Court granted the government's motion to dismiss Plaintiff William Viray's Complaint. *See* ECF 14. The Court granted Mr. Viray leave to amend and ordered him to file his amended complaint by September 26, 2018, warning that "[f]ailure to meet the deadline to file an amended complaint or failure to cure the deficiencies identified in this Order will result in a dismissal of Plaintiff's claims with prejudice." *Id.*; *see* Fed. R. Civ. P. 41(b). Mr. Viray failed to file an amended complaint by the deadline.

The Court has considered the five factors for determining whether to dismiss a case as a sanction: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives." *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) (citation omitted). Each of these factors except the policy in favor of resolution of cases on the merits weighs in favor of dismissal with prejudice. As such, the Court DISMISSES WITH PREJUDICE Mr. Viray's claims.

**IT IS SO ORDERED.**

Dated: October 9, 2018



BETH LABSON FREEMAN  
United States District Judge